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RICHARD W. FRIEDMAN
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NORTHERN DISTRICT OF CALIFORNIA

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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

EDL

CV 10 1500

18 Cheryl Jackson,

Case No.:

19 Plaintiff,

COMPLAINT FOR DAMAGES
1. VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT,
15 U.S.C. § 1692 ET. SEQ;
2. VIOLATION OF FAIR DEBT
COLLECTION PRATICES ACT,
CAL.CIV.CODE § 1788 ET. SEQ.

20 vs.

21 Progressive Asset Management Services,
22 Inc.; and DOES 1-10, inclusive,

23 Defendants.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

1 For this Complaint, the Plaintiff, Cheryl Jackson, by undersigned counsel,
2 states as follows:

3
4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair
6 Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the
7 invasions of Plaintiff's personal privacy by the Defendants and its agents in their
8 illegal efforts to collect a consumer debt.

10 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

11 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in
12 that Defendants transact business here and a substantial portion of the acts giving
13 rise to this action occurred here.

15
16 **PARTIES**

17 4. The Plaintiff, Cheryl Jackson (hereafter "Plaintiff"), is an adult
18 individual residing in Antioch, California, and is a "consumer" as the term is
19 defined by 15 U.S.C. § 1692a(3).

21 5. The Defendant, Progressive Asset Management Services, Inc.
22 (hereafter "Progressive"), is a company with an address of 5924 Los Angeles
23 Avenue, Suite P, Simi Valley, California 93063, operating as a collection agency,
24 and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).
25
26
27
28

1 6. Does 1-10 (the "Collectors") are individual collectors employed by
2 Progressive and whose identities are currently unknown to the Plaintiff. One or
3 more of the Collectors may be joined as parties once their identities are disclosed
4 through discovery.
5

6 7. Progressive at all times acted by and through one or more of the
7 Collectors.
8

9
10 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

11 **A. The Debt**

12 8. The Plaintiff incurred a financial obligation (the "Debt") to a creditor
13 (the "Creditor").
14

15 9. The Debt arose from services provided by the Creditor which were
16 primarily for family, personal or household purposes and which meets the
17 definition of a "debt" under 15 U.S.C. § 1692a(5).
18

19 10. The Debt was purchased, assigned or transferred to Progressive for
20 collection, or Progressive was employed by the Creditor to collect the Debt.
21

22 11. The Defendants attempted to collect the Debt and, as such, engaged in
23 "communications" as defined in 15 U.S.C. § 1692a(2).
24

25 **B. Progressive Engages in Harassment and Abusive Tactics**

26
27 12. Progressive called the Plaintiff at least two (2) times per day.
28

1 13. The Plaintiff paid the Debt in full to Progressive.

2 14. Progressive will not send the Plaintiff a letter stating the Debt was
3 paid in full.
4

5 15. Instead, Progressive falsely reported the Debt as unpaid to the credit
6 bureaus.
7

8 16. The Plaintiff asked Progressive to Verify the Debt.

9 17. Progressive failed to verify the Debt.

10 18. The Plaintiff disputed the Debt with the credit bureaus.

11 19. The credit bureaus state that the Debt is valid, even though the
12 Plaintiff can show that full payment of the Debt was taken from her bank account.
13
14

15 **C. Plaintiff Suffered Actual Damages**

16 20. The Plaintiff has suffered and continues to suffer actual damages as a
17 result of the Defendants' unlawful conduct.
18

19 21. As a direct consequence of the Defendants' acts, practices and
20 conduct, the Plaintiff suffered and continues to suffer from humiliation, anger,
21 anxiety, emotional distress, fear, frustration and embarrassment.
22

23 22. The Defendants' conduct was so outrageous in character, and so
24 extreme in degree, as to go beyond all possible bounds of decency, and to be
25 regarded as atrocious, and utterly intolerable in a civilized community.
26
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COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, et seq.

23. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

24. The Defendants caused a phone to ring repeatedly and engaged the Plaintiff in telephone conversations, with the intent to annoy and harass, in violation of 15 U.S.C. § 1692d(5).

25. The Defendants misrepresented the character, amount and legal status of the debt, in violation of 15 U.S.C. § 1692e(2).

26. The Defendants failed to report that the debt was disputed to the credit bureaus, in violation of 15 U.S.C. § 1692e(8).

27. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the FDCPA, including every one of the above-cited provisions.

28. The Plaintiff is entitled to damages as a result of the Defendants' violations.

COUNT II
VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION
PRACTICES ACT, Cal. Civ. Code § 1788 et seq.

29. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

1 30. The Rosenthal Fair Debt Collection Practices Act, California Civil
2 Code section 1788 et seq. ("Rosenthal Act") prohibits unfair and deceptive acts
3 and practices in the collection of consumer debts.
4

5 31. Progressive, in the regular course of business, engages in debt
6 collection and is a "debt collector" as defined by Cal. Civ. Code § 1788.2(c).
7

8 32. The Defendants caused a telephone to ring repeatedly and engaged the
9 Plaintiff in continuous conversations with an intent to annoy the Plaintiff, in
10 violation of Cal. Civ. Code § 1788.11(d).
11

12 33. The Defendants communicated with the Plaintiff with such frequency
13 as to be considered harassment, in violation of Cal. Civ. Code § 1788.11(e).
14

15 34. The Defendants failed to comply with the provisions of 15 U.S.C. §
16 1692, *et seq.*, in violation of Cal. Civ. Code § 1788.13(e).
17

18 35. The Defendants did not comply with the provisions of Title 15,
19 Section 1692 of the United States Code, in violation of Cal. Civ. Code § 1788.17.
20

21 36. The Plaintiff is entitled to damages as a result of the Defendants'
22 violations.
23

PRAYER FOR RELIEF

24 WHEREFORE, the Plaintiff prays that judgment be entered against the
25 Defendants:
26
27
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- 1 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the
2 Defendants;
3
4 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C.
5 §1692k(a)(2)(A) against the Defendants;
6
7 C. Costs of litigation and reasonable attorney's fees pursuant to
8 15 U.S.C. § 1692k(a)(3) against the Defendants;
9
10 D. Actual damages pursuant to Cal. Civ. Code § 1788.30(a);
11
12 E. Statutory damages of \$1,000.00 per violation for knowingly and
13 willfully committing violations pursuant to Cal. Civ. Code
14 § 1788.30(b);
15
16 F. Actual damages from the Defendants for the all damages including
17 emotional distress suffered as a result of the intentional, reckless,
18 and/or negligent FDCPA violations and intentional, reckless, and/or
19 negligent invasions of privacy in an amount to be determined at trial
20 for the Plaintiff;
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22 G. Punitive damages; and
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24 H. Such other and further relief as may be just and proper.
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2 TRIAL BY JURY DEMANDED ON ALL COUNTS
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6 DATED: April 8, 2010

LARA SHAPIRO

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9 By: /s/ Lara R. Shapiro

Lara R. Shapiro

10 Attorney for Plaintiff

11 Cheryl Jackson
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